

**Reviewed by:**

Cary E. Patrick, Jr.,  
Cary E. Patrick, III  
Ryan Patrick  
3101 Chesapeake Avenue  
Hampton, VA 23661

Portion of Rip Rap Road & N. Armstead Avenue

Consideration: \$2,627.00

**After Recording, Return to:**

Veronica E. Meade  
City Attorney's Office  
City of Hampton  
22 Lincoln Street  
Hampton, VA 23669

EXEMPTION FROM GRANTOR'S TAX UNDER  
VIRGINIA CODE § 58.1-811(C)(4)

**VACATION AGREEMENT**  
**(Portion of Rip Rap Road & N. Armistead Avenue)**

**THIS VACATION AGREEMENT** (this "Agreement"), made this \_\_\_\_ day of February, 2016, by and between the CITY OF HAMPTON, VIRGINIA, a municipal corporation of the Commonwealth of Virginia located at 22 Lincoln Street, Hampton, Virginia 23669 (the "City"), and PATRICK, LLC, a Virginia limited liability company with its principal address located at 395 W. Queen Street, Hampton, Virginia 23669 (the "Owner").

**WHEREAS**, the City owns the unimproved right of way at the intersection of Rip Rap Road and N. Armistead Avenue, a portion of which comprises 5,254 square feet (0.1206 acre), more or less, located in the City of Hampton and more particularly described as:

All that certain lot, piece, or parcel of land containing 5,254 square feet (0.1206 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being highlighted with hatch marks and described as "AREA TO BE VACATED, 5,254 S.F." as shown with hatch marks on that certain plat entitled: "RIGHT OF WAY VACATION PLAT BETWEEN THE PROPERTIES OF PATRICK, L.L.C. & THE CITY OF HAMPTON, PARCEL OF VACATED LAND CONTAINING 0.1206 AC. LOCATED AT ARMISTEAD AVENUE AND RIP RAP ROAD, DEED BOOK 1271, PAGE 1827, CITY OF HAMPTON, VIRGINIA," said plat bearing a date of October 5, 2015, revised January 25, 2016, signed September 22, 2015 by Paul W. Michael, Jr., Michael Surveying & Mapping, P.C., 41 Old Oyster Point Road, Suite B, Newport News, VA 23602, which is attached hereto as Exhibit "A" for reference and made a part of this legal description (the "Vacation Area");

**WHEREAS**, Owner owns the commercial property located at 539 N. Armistead Avenue (LRSN 2000754);

**WHEREAS**, the City owns the right of way at the intersection of N. Armistead Avenue and Rip Rap Road;

**WHEREAS**, Owner requests the vacation of the Vacation Area because it is contemplating substantial property improvements, which align with the City's discussions of commercial corridor redevelopment in this area, and the Owner's improvements will increase the net value of Owner's property, netting additional real estate taxes, and provide increased revenue through an upgraded, modern, and attractive facility, thus increasing sales taxes;

**WHEREAS**, pursuant to Section 34-120 of the City Code, the City values the Vacation Area at Two Thousand Six Hundred Twenty-Seven and 00/100 Dollars (\$2,627.00); and

**WHEREAS**, the City, acting by and through its City Council, is of the opinion that the Vacation Area is not now and will not be needed for public interest.

**NOW, THEREFORE**, in accordance with Chapter 34, Article V of the Hampton City Code, the City of Hampton, Virginia, acting by and through its City Council at its duly held meeting on the \_\_\_\_ day of February, 2016, does by these presents release, quit-claim, and vacate unto Owner the following described property interest for the purchase price of Two Thousand Six Hundred Twenty-Seven and 00/100 Dollars (\$2,627.00), to-wit:

All that certain lot, piece, or parcel of land containing 5,254 square feet (0.1206 acre), more or less, situate, lying, and being in the City of Hampton, Virginia, and being highlighted with hatch marks and described as "AREA TO BE VACATED, 5,254 S.F." as shown with hatch marks on that certain plat entitled: "RIGHT OF WAY VACATION PLAT BETWEEN THE PROPERTIES OF PATRICK, L.L.C. & THE CITY OF HAMPTON, PARCEL OF VACATED LAND CONTAINING 0.1206 AC. LOCATED AT ARMISTEAD AVENUE AND RIP RAP ROAD, DEED BOOK 1271, PAGE 1827, CITY OF HAMPTON, VIRGINIA," said plat bearing a date of October 5, 2015, revised January 25, 2016, signed September 22, 2015 by Paul W. Michael, Jr., Michael Surveying & Mapping, P.C., 41 Old Oyster Point Road, Suite B, Newport News, VA 23602, which is attached hereto as Exhibit "A" for reference and made a part of this legal description.

IN WITNESS WHEREOF, the City of Hampton, Virginia, a municipal corporation of the Commonwealth of Virginia, has caused its name to be signed to this Agreement by its City Manager or her duly Authorized Designee, and its corporate seal to be affixed and attested by its Clerk, Katherine K. Glass, they having been duly authorized to do so. Owner likewise has caused its name to be signed to this Agreement.

THE CITY OF HAMPTON, VIRGINIA

By: \_\_\_\_\_  
City Manager / Authorized Designee

COMMONWEALTH OF VIRGINIA,  
City of Hampton, to wit:

On this \_\_\_\_\_ day of February, 2016, I hereby certify that the foregoing Vacation Agreement was executed before me by \_\_\_\_\_, City Manager or Authorized Designee for the City of Hampton, Virginia. She/He is known to me personally.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk

COMMONWEALTH OF VIRGINIA,  
City of Hampton, to wit:

On this \_\_\_\_\_ day of February, 2016, I hereby certify that the foregoing Vacation Agreement was executed before me by Katherine K. Glass, Clerk of Council for the City of Hampton, Virginia. She is known to me personally.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Deputy City Attorney

ACCEPTANCE:  
PATRICK, LLC

By: Cary E. Patrick Jr  
Name: CARY E PATRICK JR  
Title: President

COMMONWEALTH OF VIRGINIA  
City/County of Hampton, to-wit:

I hereby certify on this 28 day of January, <sup>2016</sup>~~2015~~ that the foregoing  
Vacation Agreement was acknowledged before me by  
CARY E PATRICK JR (name), the PRESIDENT (title) of  
Patrick, LLC. He/She is known to me personally or provided VA. Drivers License  
as identification.

Bernice Savage  
Notary Public

My Commission Expires: May 31, 2016  
Registration No. 72156080

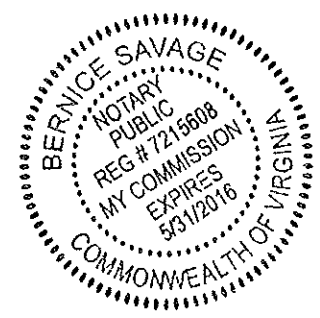
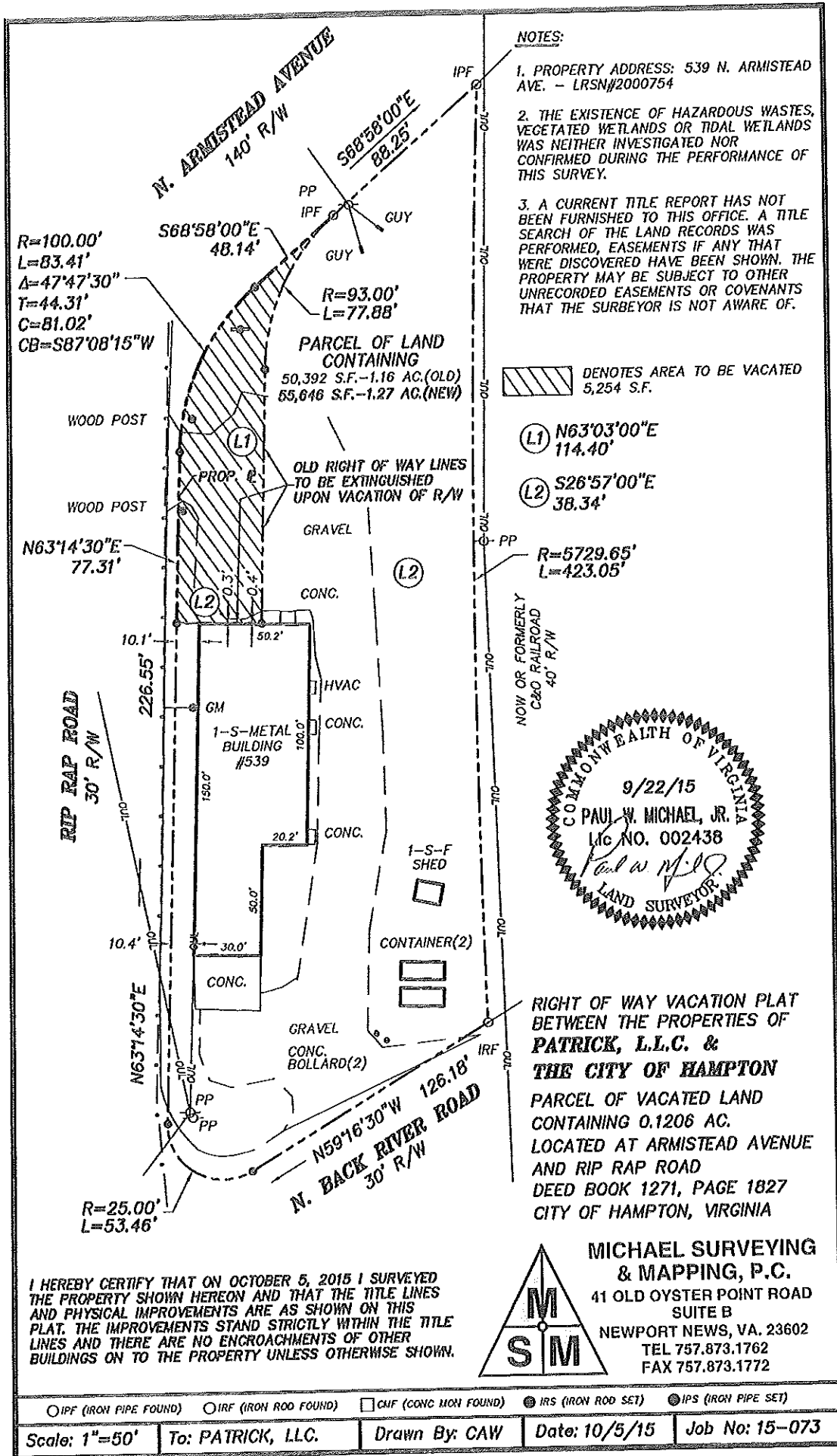


EXHIBIT A



NOTES:

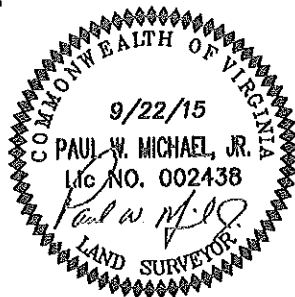
1. PROPERTY ADDRESS: 539 N. ARMISTEAD AVE. - LRSN#2000754
2. THE EXISTENCE OF HAZARDOUS WASTES, VEGETATED WETLANDS OR TIDAL WETLANDS WAS NEITHER INVESTIGATED NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.
3. A CURRENT TITLE REPORT HAS NOT BEEN FURNISHED TO THIS OFFICE. A TITLE SEARCH OF THE LAND RECORDS WAS PERFORMED, EASEMENTS IF ANY THAT WERE DISCOVERED HAVE BEEN SHOWN. THE PROPERTY MAY BE SUBJECT TO OTHER UNRECORDED EASEMENTS OR COVENANTS THAT THE SURVEYOR IS NOT AWARE OF.

DENOTES AREA TO BE VACATED 5,254 S.F.

(L1) N63°03'00"E  
114.40'

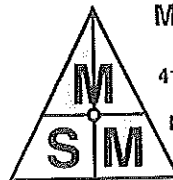
(L2) S26°57'00"E  
38.34'

R=5729.65'  
L=423.05'



RIGHT OF WAY VACATION PLAT  
BETWEEN THE PROPERTIES OF  
**PATRICK, L.L.C. &**  
**THE CITY OF HAMPTON**  
PARCEL OF VACATED LAND  
CONTAINING 0.1206 AC.  
LOCATED AT ARMISTEAD AVENUE  
AND RIP RAP ROAD  
DEED BOOK 1271, PAGE 1827  
CITY OF HAMPTON, VIRGINIA

I HEREBY CERTIFY THAT ON OCTOBER 5, 2015 I SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON TO THE PROPERTY UNLESS OTHERWISE SHOWN.



**MICHAEL SURVEYING & MAPPING, P.C.**  
41 OLD OYSTER POINT ROAD  
SUITE B  
NEWPORT NEWS, VA. 23602  
TEL 757.873.1762  
FAX 757.873.1772

○ IPF (IRON PIPE FOUND)	○ IRF (IRON ROD FOUND)	□ CMF (CONC MON FOUND)	● IRS (IRON ROD SET)	● IPS (IRON PIPE SET)
Scale: 1"=50'	To: PATRICK, L.L.C.	Drawn By: CAW	Date: 10/5/15	Job No: 15-073